

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

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|--------------------|---|------------------------------|
| DOMINIC CALABRESE, |) | CASE NO. 1:07 CV 1950 |
| |) | |
| Plaintiff, |) | JUDGE PATRICIA A. GAUGHAN |
| |) | |
| v. |) | |
| |) | <u>MEMORANDUM OF OPINION</u> |
| SAIED AMINI, |) | <u>AND ORDER</u> |
| |) | |
| Defendant. |) | |

On June 29, 2007, plaintiff *pro se* Dominic Calabrese filed this *in forma pauperis* action against Saied Amini. While the complaint is unclear, it appears to allege that Amini agreed to represent plaintiff in a state court action for breach of contract. Plaintiff performed labor for Amini in exchange for the representation, but Amini did not properly represent him. For the reasons stated below, this action is dismissed.

Although *pro se* pleadings are liberally construed, *Boag v. MacDougall*, 454 U.S. 364, 365 (1982) (*per curiam*); *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the district court is required to dismiss an action under 28 U.S.C. § 1915(e) if it fails to state a claim upon which relief can be granted, or if it lacks an arguable basis in law or fact. *Neitzke v. Williams*, 490 U.S. 319 (1989);

Lawler v. Marshall, 898 F.2d 1196 (6th Cir. 1990); *Sistrunk v. City of Strongsville*, 99 F.3d 194, 197 (6th Cir. 1996).

This action lacks an arguable basis in law. There are no facts set forth in the complaint suggesting a proper basis for this court's jurisdiction, as the parties are both located in Ohio and no federal statute is implicated by plaintiff's claim. This action is therefore appropriately subject to summary dismissal. *Lowe v. Hustetler*, No. 89-5996, 1990 WL 66822 (6th Cir. May 21, 1990).

Accordingly, the application to proceed *in forma pauperis* is granted and this action is dismissed pursuant to 28 U.S.C. § 1915(e). Further, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

/s/ Patricia A. Gaughan
PATRICIA A. GAUGHAN
UNITED STATES DISTRICT JUDGE

Dated: 9/10/07